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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2003- 63335

BRIAN THIO
16311 Magenta Terrace
Chino Hills, California 91709

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Physical Therapist License No. PT 27597

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by Cindy
Lopez, Deputy Attorney General.

2. Respondent Brian Thio (Respondent) is represented in this proceeding by
attorney Fred de la Pena, whose address is 2120 Foothill Blvd., Suite 212, La Verne, California
91750.

3. On or about August 16, 2002, the Physical Therapy Board of California
issued Physical Therapist License No. No. PT 27597 to Brian Thio (Respondent). The license

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 1D-
2 2003-63335 and will expire on December 31, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1D 2003 63335 was filed before the Physical Therapy
5 Board of California (Board), Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on December 21, 2005. Respondent timely filed his Notice of Defense contesting
8 the Accusation. A copy of Accusation No. 1D 2003- 63335 is attached as Exhibit A and
9 incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and
12 understands the charges and allegations in Accusation No. 1D-2003-63335 . Respondent has
13 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
18 the right to present evidence and to testify on his own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in
26 Accusation No. 1D-2003-63335.

27 9. Respondent agrees that his Physical Therapist License is subject to
28 discipline and he agrees to be bound by the Physical Therapy Board of California (Board) 's

1 imposition of discipline as set forth in the Disciplinary Order below.

2 CONTINGENCY

3 10. This stipulation shall be subject to approval by the Physical Therapy Board
4 of California. Respondent understands and agrees that counsel for Complainant and the staff of
5 the Physical Therapy Board of California may communicate directly with the Board regarding
6 this stipulation and settlement, without notice to or participation by Respondent or his counsel.
7 By signing the stipulation, Respondent understands and agrees that he may not withdraw his
8 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
9 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
10 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
11 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
12 further action by having considered this matter.

13 11. The parties understand and agree that facsimile copies of this Stipulated
14 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
15 force and effect as the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties
17 agree that the Board may, without further notice or formal proceeding, issue and enter the
18 following Disciplinary Order:

19 DISCIPLINARY ORDER

20 IT IS HEREBY ORDERED that Physical Therapist License No. PT 27597 issued
21 to Respondent, shall be publicly reprovved by the Physical Therapy Board of California for
22 violating Business and Professions Code section 2661, as set forth in Accusation No. 1D-2003-
23 63335. A copy of the Public Reproval is attached hereto as Exhibit B and hereby incorporated by
24 reference as it fully set forth.

25 ACCEPTANCE

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and
27 have fully discussed it with my attorney, Fred de la Pena. I understand the stipulation and the
28 effect it will have on my Physical Therapist License No. PT 27597. I enter into this Stipulated

1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
2 bound by the Decision and Order of the Physical Therapy Board of California.

3 DATED: July 6, 2006.

4
5 Original Signed By:
6 BRIAN THIO
Respondent

7
8 I have read and fully discussed with Respondent the terms and conditions and
9 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
10 form and content.

11 DATED: July 6, 2006.

12
13 Original Signed By:
14 FRED DE LA PENA
Attorney for Respondent

15
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Physical Therapy Board of California of the Department of
19 Consumer Affairs.

20
21 DATED: October 16, 2006.

22 BILL LOCKYER, Attorney General
of the State of California

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25 Original Signed By:
CINDY LOPEZ
Deputy Attorney General
26 Attorneys for Complainant
27
28

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PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

BRIAN THIO
16311 Magenta Terrace
Chino Hills, California 91709

Physical Therapist License No. No. PT 27597

Respondent.

Case No. 1D-2003-63335

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 13, 2006.

It is so ORDERED November 13, 2006.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Nancy Krueger, PT, President

Public Reproval

Respondent's California Physical Therapy License No. PT 27597 is publicly reproved under Business and Professions Code section 495 for violating Business and Professions Code section 2661 due to his conviction for driving under the influence which occurred in June 2003.